



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of: Eippert ) Exr: M. Henderson  
Serial No.: 09/920,386 )  
Filed: August 1, 2001 )  
For: **Medication Reminder System** ) Atty Dkt: 27228/04002  
Commissioner for Patents )  
P.O. Box 1450 )  
Alexandria, VA 22313-1450 )

**SUMMARY TO AMEND APPEAL BRIEF**

Applicant has previously appealed a Final Rejection, dated January 12, 2005, of the above mentioned Application. An Appeal Brief was filed November 16, 2005. This summary is filed in response to the Notification of Non-Compliant Appeal Brief dated February 21, 2006. It is respectfully requested that the present paper amend Applicant's Appeal Brief to provide further detail concerning the summary of the claimed subject matter, in compliance with 37 CFR 41.37(c)(1)(v) and MPEP 1205.03(B). No amended Appeal Brief is believed required. A two-month extension of time under 37 CFR 1.136 is respectfully requested and a petition therefore is attached hereto, together with the required fee.

**Summary of the Claimed Subject Matter**

Claims 1-10 and 13-19 of the present application recite a system or method for reminding patients or caregivers what medications to take or administer, and how and when to take or administer the medications. The system and method make use of a disposable color coded sheet (Figs. 1 and 2, Ref. 20; and at least Page 3, beginning at Line 11) with one or more rows (Fig. 2, Ref 28) which are completely color shaded (Page

**CERTIFICATE OF MAILING**

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service, with sufficient postage, as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22<sup>nd</sup> day of May, 2006.

Name of person mailing this paper and signing this certificate: Jeanne E. Longmuir

Signature

3, beginning at Line 18). The rows intersect with columns (Fig. 2, Ref. 30) to form a matrix (Fig. 2, Ref. 34, and at least Page 3, Lines 12-13). The rows and columns include headers (Fig. 2, Ref. 38, at least Page 3, Lines 13-17), such as icons (Fig. 2, Ref. 32, at least Page 3, Lines 14-15) graphically representing the time of day, medical markings, such as medications, or designations of which eye to place medications within (Fig. 2, Ref. 26, at least Page 4, Lines 1-5 and 11-16). The sheet may also include advertising markings (Fig. 2, Ref. 42, beginning at Page 4, Line 5) corresponding to the medications indicated on the sheet or to the pharmacy. Color coded medication containers (Fig. 1, Ref. 80, at least Page 4, Lines 20-24 and Page 5, Lines 1-2 and 20-24) are also provided. The medication containers are color coded to correspond to the color of the completely color shaded row of the sheet indicating that medication (at least at Page 4, beginning at Line 20 to Page 5, Line 2). The color coding is provided by a colored container cap or by a colored sticker (Fig. 1, Ref. 82; Fig. 2, Ref. 40 and Page 4, Lines 20-23) applied to the container from the sheet. The use of a sheet having completely color shaded rows corresponding to color coded medication containers, together with graphic icons indicating time of day or which eye a medication is administered, provides better understanding by visually impaired and elderly patients to assist with medication compliance (at least Page 5, Line 20 to Page 6, Line 4).

Specific identification of the structures and functions recited in the specific claims are referenced with respect to the Figures and Specification, both above and as set forth below:

Claim 1: At least Figures 1-2; and at least Page 3 beginning at Line 11 through Page 5, Line 2.

Claim 2: At least Page 3, Lines 18-19 and Figs 1 and 2.

Claim 3: At least Page 4, Lines 1-5 and Figs 1 and 2.

Claim 4: At least Page 3, Lines 3-5; Page 4, Lines 4-5; Page 6, Lines 2-4 and Figs 1 and 2.

Claim 5: At least Page 4, Lines 4-5 and Figs 1 and 2.

Claim 6: At least Page 4, Lines 4-10; Page 5, Lines 16-20 and Figs 1 and 2.

Claim 7: At least Page 4, Lines 1-10 and Figs 1 and 2.

Claim 8: At least Page 4, Lines 1-4 and Fig. 2.

Claim 9: At least Page 4, Lines 1-16 and Figs. 1 and 2.

Claim 10: At least Page 3, Lines 1-23; Page 4, Lines 17-23; Page 5, Lines 1-7  
and Figs. 1 and 2.

Claim 13: At least Page 4, Lines 17-23; Page 5, Lines 1-2 and Figs. 1 and 2.

Claim 14: At least Page 3, Lines 11-23 and Page 4, Lines 1-16.

Claim 15: At least Page 3, Lines 11-23 and Page 4, Lines 1-16.

Claim 16: At least Page 4, Lines 5-10.

Claim 17: At least Page 3, Line 1 through Page 5, Line 2 and Figs. 1 and 2.

Claim 18: At least Page 4, Lines 5-10 and Fig. 2.

Claim 19: At least Page 4, Lines 5-10.

### Conclusion

With this specific summary of the claimed subject matter, the item pointed out in the Notification of Non-Compliance is believed overcome, the requirements of 37 CFR 41.37 are satisfied, and dismissal of this appeal is avoided.

Respectfully Submitted,

Date: 5/22/2006

  
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